

ORIGINAL

BEFORE THE

## Federal Communications Commission

WASHINGTON, DC 20554

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Federal Communications Commission  
Office of the Secretary

In the Matter of )

Amendment of Service and Eligibility )  
Rules for FM Broadcast Translator )  
Stations )MB Docket No. 07-172  
RM-11338To: Marlene H. Dortch, Secretary  
Attn: The CommissionCOMMENTS OF URBAN RADIO LICENSES, LLC AND ZIMMER RADIO, INC.

Urban Radio Licenses, LLC ("Urban"), and Zimmer Radio, Inc. ("ZRI"), by their counsel, and pursuant to Section 1.415 of the rules, hereby respectfully submit their comments in response to the Notice of Proposed Rulemaking ("NPRM"), released August 15, 2007, FCC 07-144.

The NPRM proposes adoption of a recommendation by the National Association of Broadcasters ("NAB") which would allow FM translators to rebroadcast the programming of AM stations for the first time. The rationale for the proposal is ongoing concern about the viability of AM stations, particularly those operating with minimal daytime power and negligible or no nighttime authority. Many of these stations' listeners have migrated to newer media that offer high technical quality and superior fidelity. (NPRM at 2.) Previous efforts to revitalize the AM service, the Commission observes, have been only partially successful due to the inherent technical limitations of AM stations. (*Id.*) Recent changes in daytime savings will exacerbate these problems by causing the loss of a portion of the key early morning drive-time programming segment. Other factors, such as incandescent lighting, electric motors and traffic

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signal sensors, cause increasing interference to AM transmissions. Also, IBOC digital radio broadcast transmissions will cause new interference to listeners to low power AM stations operating on channels adjacent to those of clear channel stations which have commenced IBOC operation. (Id.)

In spite of these grave difficulties, AM stations are vital to the America broadcast universe. They provide substantial local service, including uniquely focused programming aimed at specialized communities, such as news, talk, foreign language, and religious formats. These formats serve the Commission's commitment to localism and diversity in the broadcast service, recently reiterated in the Commission's December 18, 2007, Notice of Proposed Rulemaking in Docket No. 04-233. (NPRM at 3.)

In light of these considerations, the NPRM proposed to adopt NAB's recommendation that FM translator stations be permitted to rebroadcast AM signals, provided that no portion of the 60 dBu contour of any such translator extends beyond the smaller of (a) a 25-mile radius for the AM transmitter site; or (b) the 2 mV/m daytime contour of the AM station. (NPRM at 1.)

Accordingly, the NPRM sought comment on several proposed rule changes related to the proposal to permit rebroadcast of AM signals on FM translators, as follows:

- (a) whether the changes should be made effective all at once or in phases over time;
- (b) if the changes are to be phased in over time, in what matter should they do so;
- (c) whether limitations on AM licenses to utilize the rule changes should be imposed where the licensee owns FM stations in the same market as the AM stations;

(d) what the numerical limitation on FM translators used by AM licensees should be;

(e) whether the FCC's "fill-in" policy with respect to financial support from the primary station should apply to AM/FM translators; and

(f) whether AM daytimers and Class C stations should be permitted to originate programming over an LPFM station similar to the proposed FM translator policy change. (NPRM at 8-9.)

In the NPRM, the Commission also addressed the numerous pending requests for waiver of the rules to grant Special Temporary Authorizations (STA's) permitting carriage of AM's on FM translators. (NPRM at n.19.) Noting that the Media Bureau has granted such waivers in 11 cases, the Commission instructed that the staff should continue to waive the rules and issue STA's on a case-by-case basis consistent with the parameters of the NAB petition. Such authorizations would be subject to the outcome of the rulemaking proceeding.

Urban has been the beneficiary of grant of two of these AM/FM translator STAs in Alabama, and expects that additional STA requests will be submitted in the near term in connection with stations it programs. One of the FM translators has commenced rebroadcast of AM Station WLAY, Muscle Shoals, Alabama. (See BLSTA-20070622ACP.) As noted in the request for the STA (a copy of which is attached for reference), WLAY, one of the oldest and most historic stations in the South, was severely limited by the weakness of its signal at night. Its unique format -- focused on the music produced in Muscle Shoals, Alabama, a fertile hotbed for the fusion of musical genres since the 1950's -- was hampered by its inability to reach listeners with its music during the nighttime period when many musicians and listeners would have the opportunity to perform or hear the music and other programming related to it.

The results of the implementation of WLAY's STA have been remarkable. There has been an enormous outpouring of public support from the community. Attached hereto are copies of newspaper articles praising the station's move into the FM band with its unique, local format now available at night. Consistent with Commission concerns about localism and the homogenization of music on radio stations, WLAY now brings its "Muscle Shoals" music to listeners throughout the market at all times.

Added at night on WLAY is a new program, "The Sessions At Muscle Shoals Sound." The program airs at 6:00 p.m. every Wednesday. WLAY brings in local musicians and does a "VH-1 Storytellers" type of event. The songwriters and musicians talk about their careers and their music, and perform acoustic versions of their songs. The station archives these sessions and is preserving them in its huge music library for historical purposes. The sessions will also be available for free download to the public when the station's website launches later in January.

As the Florence Times-Daily opines, in a November 19, 2007 article, such programming provides a venue for bands and artists to perform acoustic versions of their songs in the historic Muscle Shoals studio. This "rare format provides a great opportunity for local talent to be heard over the airwaves." The newspaper concludes: "There may not be another radio station in the world that has a similar format." Another Times-Daily article from November 4, 2007, points out that the expansion of WLAY's signal will help tourism in the Shoals area because travelers will hear the music and want to visit the area's studios and other music venues. Another article, on November 1, 2007, quotes a local music studio owner:

"The fact that they're going to FM is tremendous; it means the signal will be cleaner and will reach out much farther. Without radio, none of this would mean anything."<sup>1</sup>

WLAY's experience with nighttime FM translator carriage of its unique musical format over the past few months and KZRG's simulcast with AM emergency weather alerts are emblematic of the reasons why the NPRM's proposal should be adopted on a permanent basis. Carriage of valuable AM programming -- whether local musical, news, weather, talk, or Spanish-language -- at night is critically important to the viability of these formats, which have been singled out by the Commission as vital to the public interest. There is a direct cause and effect relationship between nighttime carriage and service to local communities and distinct population groupings here. We urge the Commission to endorse on a permanent basis the waivers previously granted and to adopt rules designed to give the most liberal application possible to the new policy going forward.

Urban and ZRI support at a minimum NAB's proposed limitations on FM translator carriage. However, Urban and ZRI would go further and permit carriage of AM signals on FM translators out to the 0.5 mV/m contour, as opposed to the 2 mV/m contour, of the AM station. Urban and ZRI submit that such a narrowed limitation on the proposed rule would more

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<sup>1</sup> ZRI is the licensee of AM Stations KZRG and KZYM, Joplin, Missouri. In early December, the Joplin area was hit by a severe ice storm. Over 65,000 customers were without power for several days. Nearly all radio and TV stations were off the air for days. ZRI's KZRG interrupted regular programming and broadcast emergency information live for 48 hours. However, since its night-time coverage does not encompass its city of license, plus an additional 130,000 persons in its MSA, KZRG was forced to simulcast its programming on all four of its FM stations to inform its listeners. Use of an FM translator for this purpose would have been preferable and clearly in the public interest. Response from listeners was positive, noting their inability to pick up the AM signal and their gratitude for the simulcast.

accurately reflect the "protected service contour" of AM stations. The 0.5 mV/m contour constitutes the protected primary service contour for AM stations under Section 73.182(q) of the rules. *It is the analogue for rural communities to the 1 mV/m contour utilized in Section 74.1232 of the rules for analyzing FM "fill-in" translators.*<sup>2</sup>

Urban and ZRI also recommend that AM "fill-ins" should be permitted to be fed by means other than off air, such as microwave and fiber. Again, this will serve to allow the greatest possible utilization of such translators to assist ailing AM operators.

Further, Urban and ZRI urge the Commission to make the proposed rule changes effective at once, rather than to phase them in. The Commission may choose to prioritize its processing of the applications to reflect the factors listed in 18(b) on page 8 of the NPRM (e.g., giving priority to "local" AM stations, like daytimers and Class C's). But it should not delay relief to, for example, AM stations co-owned with FM outlets by not accepting such applications until after other applications (e.g., AM standalones) are filed. The adoption of implementation periods as described in (b) would materially delay the opportunity for lower priority AM stations to utilize FM translator carriage, without any corresponding benefit other than the conservation of FCC staff resources. The listening public would suffer, not benefit, from such delays because of the technical difficulties inherent in the AM service that will continue unabated by FM translator rebroadcast. Stated another way, all local AM stations deserve the opportunity for relief as soon as possible and the procedures adopted should reflect that goal.

The inquiry in (c) on page 8 should be answered in the negative. The question asked reflects a possible disposition to limit use of translators in the FM band by needy AM operators

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<sup>2</sup> The 1.0 mV/m contour is the relevant one for Class A and C FM stations. The 0.7 mV/m contour is used for Class B1 stations and the 0.5 mV/m contour for Class B FM stations.

because the licensee has other FM stations in the market. This unwise approach is not necessitated by the multiple ownership rules, which have never treated FM translators as attributable because of their limited technical facilities and utilization as rebroadcast conduits rather than independent, full power FM stations.

Nor is there any logic to the suggestion that AM operators with FM stations do not need relief here. No matter what full-power FM properties are owned, the merits of AM use of translators remain substantial and their use critical. It is highly unlikely that AM formats like news and foreign language will migrate to full-power FM's to any substantial degree in any numbers. They have not done so in the past. The superior fidelity of full-power FM signals for the broadcast of music and the need to serve large, mainstream audiences to justify their purchase costs makes it unlikely that they will in the future. Even group owners are experiencing drastically reduced revenues from AM and may regard their local AM properties as stepchildren, whom they would gladly sell or even donate to charity. The group owners who are expending resources on their AM's, like Urban, deserve to participate in the opportunity to upgrade their signals on an expedited basis. As the WLAY experience underlines, moreover, AM listeners are well-served by the expansion of AM service here under consideration, regardless of the ownership interests of the AM operator.

Subsection (d) of paragraph 18 asks "what is the appropriate limit on the number of fill-in translators allowed for an AM station, and should the number vary depending on the class of the AM station." (NPRM at 8.) Urban and ZRI submit that there is no necessity for such a limit at all. In practice, there is no comparable ownership limit on FM fill-in translators for FM stations. Section 74.1232(b) requires a "showing of technical need for...additional [beyond one] stations," but the rule is rarely enforced. The presumption is that multiple FM translators for one

licensee are acceptable "whether or not such translators serve substantially the same area." There is no reason to limit AM ownership of FM translators when FM ownership is not limited. Nor should there be a limit on use of FM translators beyond ownership, i.e., use of unowned translators to rebroadcast AM stations. Again, the goal is to optimize the benefits of nighttime carriage of local AM stations, and limitations on such carriage should be adopted only if required by the public interest.


Subsection (e) of paragraph 18 requests comment on application of the FM translator "fill-in" rule to AM use of FM translators. Urban and ZRI support this proposal, but with the caveat that the definition of a "fill-in" translator in this context should be adjusted to extend to translators whose contours are within the AM station's 0.5 mV/m contour. (See pp. 5-6, above.) AM licensees should be permitted to broker time over an FM translator as a fill-in service within this contour.

Urban and ZRI have no comments to offer on the proposals in subsections (e) and (f) relating to non-commercial FM translators and LPFM, respectively. Urban and ZRI only urge the Commission to move as quickly as possible to resolution of this proceeding, and not to allow less critical questions like LPFM carriage of AM stations to bog down progress on the critical issues at stake herein.



In sum, Urban and ZRI believe that the proposals made in the NPRM are generally wise and appropriate. We urge the Commission to move ahead promptly to adopt on a permanent basis and to the greatest extent possible, the carriage of technically-handicapped AM's on FM translators.

Respectfully submitted,  
URBAN BROADCAST LICENSES, LLC  
and ZIMMER RADIO, INC.

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June 21, 2007

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Honorable Marlene H. Dortch  
Office of the Secretary  
Federal Communications Commission  
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Washington, D.C. 20554  
Attn: Media Bureau, Audio Division

Re: Urban Radio Licenses, LLC  
Station WLAY(AM)  
Muscle Shoals, AL  
Facility ID No. 60611  
W222AV, Muscle Shoals, AL  
Facility ID No. 138502  
Request for Waiver to Permit Retransmission of an  
AM Station by a Co-Owned FM Translator

Dear Madame:

On behalf of the above-referenced client, licensee of Station WLAY(AM), and permittee of FM Translator Station W222AV ("Urban"), and pursuant to Section 73.1635 of the rules, we hereby respectfully request a waiver by Special Temporary Authorization ("STA") of all relevant sections of Part 74 of the Commission's rules. The waiver will allow the programming of Station WLAY(AM) to be rebroadcast by W222AV, pending the outcome of the Commission's rulemaking on this issue (RM-11338).

The licensee recognizes that the Commission's rules presently restrict the use of FM translators to rebroadcast of full-service FM stations. See Sections 74.1201(a), 74.1201(d), 74.1231 and 74.1232. Currently, W222AV rebroadcasts Station WLAY-FM, Littleville, Alabama. However, WLAY(AM)'s signal -- particularly at night -- is severely hampered by its status as a Class C (formerly Class IV) station operating on 1450 kHz. Rebroadcast by the FM translator would significantly improve WLAY(AM)'s coverage and quality of signal in its city of license and throughout its market.

As illustrated by the attached exhibit and map prepared by Urban's engineering consultants, WLAY(AM) operates on a frequency on which numerous other Class C (formerly Class IV), one

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kilowatt stations broadcast. Other AM stations are licensed on 1440 and 1460 kHz. As a consequence, the AM station serves only 63.6% of Muscle Shoals at night within its 27.593 mV/m nighttime interference free contour. Further, focusing on the 2.0 mV/m contour which the Commission utilizes for communities of 2,500 or more persons, WLAY(AM) covers most of the relevant growing market (the Florence-Muscle Shoals-Tuscumbia-Sheffield, Alabama Urbanized Area) during the day, but at night it covers only a very small portion of the market. As a result, approximately 104,000 persons are located within the WLAY(AM) daytime 2.0 mV/m contour. At night, the interference-free audience numbers only about 31,000 persons. Thus, WLAY(AM) loses 70% of its audience at night. In contrast, W222AV would serve approximately 68,000 persons within the WLAY 2.0 mV/m contour. In addition to its city of license problems, these audience data reflect that WLAY(AM)'s nighttime signal does not reach north of the Tennessee River to Florence (pop.: 36,264), where most of the growth in the market is occurring.<sup>1</sup>

Like other AM stations operating with relatively low power, WLAY(AM) is also plagued both day and night by local man-made interference producers including power lines (the Tennessee Valley Authority has lines throughout the service area), computers, vacuum cleaners, microwave ovens, cable signals and television receivers. As daylight hours grow shorter and nighttime hours grow longer, with average sunset occurring around 5:00 p.m. in November and December and average sunrise coming at 7:30 in December and 7:45 in January, WLAY's signal problems grow worse.

The foregoing interference problems prevent WLAY(AM) listeners from enjoying the unique programming of a legacy station in a "musical capital" with a proud history. WLAY(AM) went on the air in 1932 with an experimental license and was licensed in 1933. Similarly to such stations as WSM in Nashville, WLAY(AM) could then be heard for hundreds of miles even at its initial power of 250 watts at night. When it commenced broadcasting, WLAY(AM) was the only station on its frequency for miles, but as the years went by, more and more stations began broadcasting on 1450 kHz, rendering, as noted above, WLAY(AM)'s nighttime signal non-existent in most portions of the market.

WLAY(AM) is one of the South's oldest broadcasters and has since secured its place in American music history thanks to its contribution to what is now commonly referred to as "The Muscle Shoals Sound". Originating its broadcast as a "variety format", WLAY(AM) was significant in its early years as a rare frequency that would broadcast both Southern Gospel and Country music and "race music" or music by African American artists. In the American Deep South, this was certainly unique. A number of bluegrass and blues musicians made regular live appearances on the radio station, including Earl Scruggs and Sonny Boy Williamson.

<sup>1</sup> Muscle Shoals' population is 11,924. W222AV's entire 60 dBu contour falls within the 2.0 mV/m contour of WLAY(AM).

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In the 1950s, WLAY(AM) balanced both country music and Rock and Roll music on its playlist. Sam Phillips, future founder of Sun Records, worked as a disc jockey at the radio station in his formative years and frequently cited the station's "open playlist" as the inspiration for what would become Sun Records in Memphis, Tennessee (home of Elvis Presley, Jerry Lee Lewis, Johnny Cash, Carl Perkins and others who blended both country and blues music to form Rock and Roll).

In the early 1960s, Muscle Shoals began to develop as a popular music capital in the United States and WLAY(AM) played an important role in this growth. Following the success of local resident Arthur Alexander (and his hit single "You Better Move On"; later covered by both the Beatles and the Rolling Stones), the area quickly saw the rise of numerous recording studios. With this, WLAY(AM) became a meeting place for numerous Muscle Shoals musicians and songwriters as they would frequent the studios with new recordings. Percy Sledge's "When A Man Loves A Woman" was recorded by WLAY(AM) disc jockey Quin Ivy with equipment borrowed from WLAY(AM)'s studios.

With the establishment of Rick Hall's FAME Studios, WLAY(AM) would often play recordings as they were completed at the legendary studio. The WLAY(AM) audience would frequently choose the "single" by artists such as Aretha Franklin, Wilson Pickett, Clarence Carter and several others to be shipped nationwide after having heard the entire, completed session on the air.

When the frequency was purchased by Urban, the format was changed again to reflect the station's history. WLAY(AM) now plays only local music recorded or written in Muscle Shoals. In addition, it broadcasts live concerts in the area and highlights area charitable events. Further, WLAY(AM) features live disc jockeys on the air 24/7.

The original sound board for WLAY(AM) is now permanently housed in the Alabama Music Hall of Fame. In 2007, WLAY(AM) was nominated for Radio Station of the Year by the Alabama Broadcasters Association.

The Florence-Muscle Shoals market is a frequent victim of severe weather and tornado activity. WLAY(AM) keeps the public informed throughout the day (but, of course, with difficulty at night) regarding developing weather patterns. In 2006, the market was struck by a number of tornadoes in both Tuscumbia and Sheffield. WLAY(AM) kept the public informed as events developed.

The station houses the market's only "archive" of music recorded and written in the area. In fact, it could be said that the station serves as a museum of sorts. Many of the recordings that are preserved on its hard-drives are incredibly rare. Much the same way a local library preserves historical documents, WLAY(AM) has done so in relation to the market's musical history. WLAY(AM) has been entrusted with everything from Duanne Allman's first session at FAME

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studios with Wilson Pickett to the rehearsal tapes of the Rolling Stones recording at Muscle Shoals Sound studios (which include a number of unreleased jam sessions and "scratch tracks"/demos produced by the band during their stay at the studio).

The station is very involved in community events. Annually, the station broadcasts the Shoals chapter of the American Red Cross's "Relay For Life" event. This 24 hour fund raiser features live music. The thousands of participants and campers that join the event are encouraged to tune their radios to WLAY(AM). Unfortunately, after dark, many interested in hearing this major community event are unable to do so. Further, WLAY(AM) actively co-sponsors (alongside its sister stations) the annual Spirit of Freedom festival, the Helen Keller Festival and the W.C. Handy festival.

Each year, WLAY(AM) compiles and broadcasts the "Shoals 500", a countdown of the 500 most successful songs to be written or recorded in the market. This is a much anticipated on-air event. The results are published in the local newspaper.

The licensee would like to begin broadcasting live music on the station more often. On the occasions that it has done this, it has been very well received by its audience. However, since most area songwriters/performers do their work at night, it presently makes little sense for the Station to utilize the necessary man-hours for this type of programming.

The importance of WLAY(AM)'s market must also be taken into consideration here. The "Shoals" or "Quad Cities," as the area is generally known, is the sixth largest population center in Alabama, a shopping and medical hub for the Tri-State area on the banks of the Tennessee River. Since 1836, when riverboats plied the river, it has been a major commercial artery. In 1933, the creation of the TVA spurred growth in the area. The soon to occur opening of a major Japanese auto lighting plant in Muscle Shoals, employing more than 300 persons, will trigger further growth. In this competitive environment, improvement in WLAY(AM)'s signal is critical to its ability to sustain itself.

The interference challenge facing WLAY(AM) could be greatly overcome, if the FCC permitted retransmission of AM signals on FM translators as proposed by the National Association of Broadcasters ("Petition for Rulemaking of the National Association of Broadcasters to Permit AM Radio Stations' Use of FM Translators," filed on July 14, 2006). Such authorization would especially benefit low power AM stations like WLAY(AM) by allowing them to reach an expanding population that cannot presently hear them, with a signal virtually free from interference. This would allow WLAY(AM) to meet the FCC mandate of optimal service to the public.

Over the years the FCC has brought FM radio service to many communities with adoption of the Docket 80-90 proceeding, and has done the same for television with LPTV. By expanding the AM band, the FCC attempted to clean up some of the growing interference on the AM dial. But there was only limited success. Now by approving the use of FM translators on AM stations such

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as WLAY(AM), the FCC could "finish what it started." Although Urban recognizes that an industry-wide paradigm shift is more appropriate for rulemaking that seeks the relief requested by Urban, WLAY(AM) simply cannot afford to continue to operate with the restrictions which impede its competitive abilities and the effectuation of 24 hour service to all of its expanding service area while waiting for the NAB's petition to move through tiers of regulatory bureaucracy. Granting Urban's request for an STA would permit the station to effectively serve the needs and interests of Muscle Shoals without the permanency of a license until such time as the FCC acts on NAB's petition. Indeed, granting authority to WLAY(AM) to use an FM translator would allow the accumulation of empirical data which might support (or might not support) an industry-wide rule change.

Current FCC rules allow FM stations to rebroadcast AM programming (and vice versa), and FM programming can be rebroadcast on FM translators. In today's highly competitive marketplace, eliminating an antiquated restriction that prohibits AM programming on FM translators makes eminent good sense. By doing so, the FCC would allow communities like Muscle Shoals and the Shoals area to receive the local service they once had and deserve again. Maintaining the status quo is "discriminatory" toward struggling low power AM stations trying earnestly to serve their communities, and makes no sense in the terrestrial and satellite marketplace in which such stations compete today.

The relief sought herein has been granted by the Commission's staff in several cases in the past few months. See letter of James Bradshaw to Our Three Sons Broadcasting, LLP, WRHI(AM), Rock Hill, South Carolina, January 31, 2007 (Class IV station); letter of James Bradshaw to Holston Valley Broadcasting Corporation, WOPI(AM), Bristol, Tennessee, April 30, 2007; letter of James Bradshaw to Miller Communications, Inc., WDXV(AM), Sumter, South Carolina, May \_\_\_\_, 2007 (Class IV station); letter of James Bradshaw to Great Southern Broadcasting, Inc., February 13, 2007; letter of James Bradshaw to The Rutherford Group, Inc., WGNS(AM), Murfreesboro, Tennessee, May \_\_\_\_, 2007. While such precedents may not be technically binding, they demonstrate that the Commission is willing to afford relief to AM broadcasters. On an interim basis, the Commission will permit rebroadcast on an FM translator where circumstances permit and a temporary waiver is justified, pending the rulemaking's outcome. The Commission, has, in other words, acknowledged the pressing need for it to unshackle AM stations from outmoded technical restrictions to permit them to more effectively compete in a dynamic industry.

In light of the foregoing, Urban requests an STA to rebroadcast WLAY(AM) on FM translator W222AV for the maximum permissible time under Section 73.1635 of the rules.

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Please note that the filing fee of \$160.00 (Fee Code: MGR) is being paid by credit card.

Respectfully submitted,

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**REQUEST FOR SPECIAL TEMPORARY AUTHORITY**  
**URBAN RADIO LICENSES, LLC**  
**W222AV FM TRANSLATOR STATION**  
**MUSCLE SHOALS, ALABAMA**  
**June 2007**

**TECHNICAL STATEMENT**

This technical statement and attached exhibit were prepared on behalf of Urban Radio Licenses, LLC ("URL"), permittee of FM translator station W222AV, Channel 222B, Muscle Shoals, Alabama. URL is requesting Special Temporary Authorization to use W222AV to rebroadcast the programming of WLAY, 1450 kHz, Muscle Shoals, Alabama, in lieu of WLAY-DV, Channel 27.3A, Littleville, Alabama. URL is also the licensee of WLAY.

WLAY is a Class C (formerly Class IV) AM station authorized to operate with a nominal power of 1.01 kilowatt on 1450 kilohertz, unlimited. While the power of WLAY does not change at night, the impact of interference from other Class C stations on 1450 kHz, as well as those AM stations operating at night on 1440 kHz and 1460 kHz, dramatically diminish the coverage of the station at night. During daytime hours, the WLAY 240 mV/m contour, which is required to demonstrate coverage of a community of 2,500 or more, encompasses 104,694 persons in 1,272.5 square kilometers. However, the level of interference in the AM band at night reduces the WLAY effective signal from 240 mV/m to 27.593 mV/m at night (the nighttime interference free contour). As indicated on Exhibit A, WLAY's coverage at night is substantially reduced. There are only 30,987 persons in 91.7 square kilometers receiving interference free service from



WLAY at night, which results in a loss of service to 75,707 persons in 1,180.3 square kilometers. Further, Muscle Shoals, the community of license of WLAX, is not completely covered at night. Only 63.6% of the community receives an interference-free signal at night.

Were W222AV used to re-transmit the programming of WLAX, the population within the WLAX 2.0 mV/m contour, some 67,358 persons in 499.9 square kilometers, would receive nighttime service. Thus, a substantially greater number of persons would be served, in comparison to the level of service possible from the WLAX interference-free contour. It is also noted that the translator's -60 dBu is within the 2.0 mV/m contour of WLAX.

The foregoing was prepared on behalf of Urban Radio Licenses, LLC, by Graham Brock, Inc., its Technical Consultants. All information contained herein is true and accurate to the best of our belief and knowledge. All data regarding AM and FM stations was extracted from the CBDS database. All population data is from the 2000 U.S. Census database. We assume no liability for errors or omissions in either database which may be adverse to the requests contained herein.

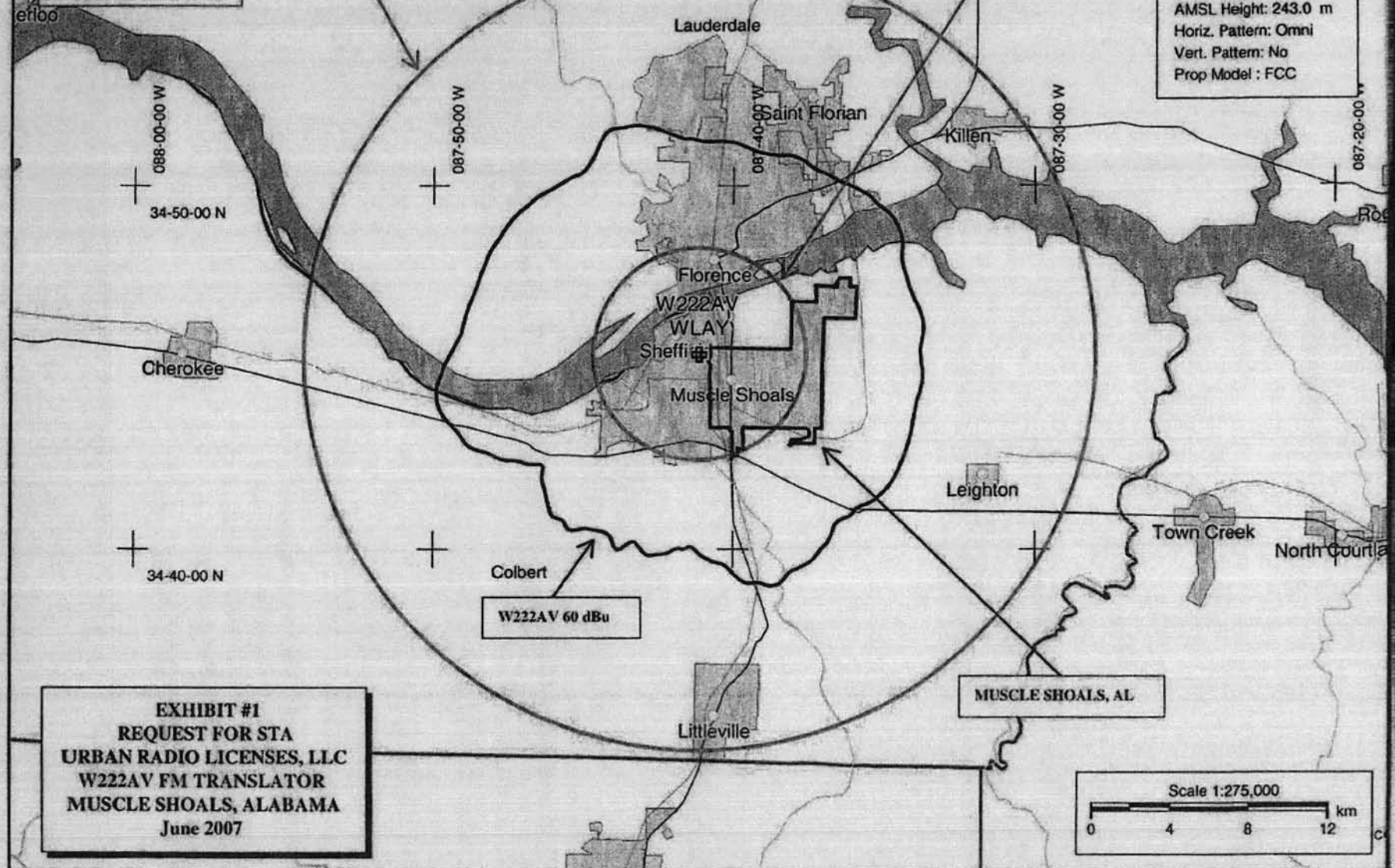
**Graham Brock, Inc. - Broadcast Technical Consultants**

**WLAY**  
Latitude: 34-45-23 N  
Longitude: 087-41-08 W  
ERP: 1.00 kW  
Frequency: 1450.0 kHz  
Prop Model : FCC/M3

WLAY 2.0 mV/m

WLAY NIF 27.593 mV/m

**W222AV**  
Latitude: 34-45-23 N  
Longitude: 087-41-08 W  
ERP: 0.225 kW  
Channel: 222D  
Frequency: 92.3 MHz  
AMSL Height: 243.0 m  
Horiz. Pattern: Omni  
Vert. Pattern: No  
Prop Model : FCC



**EXHIBIT #1**  
**REQUEST FOR STA**  
**URBAN RADIO LICENSES, LLC**  
**W222AV FM TRANSLATOR**  
**MUSCLE SHOALS, ALABAMA**  
**June 2007**

VERIDAVIT AND QUALIFICATION OF CONSUBITANT

State of Georgia )  
In Shivers Island ) ss  
County of Glynn )

**JEFFERSON C. BROCK**, being duly sworn, deposes and says that he is an officer of Graham Brock, Inc. Graham Brock has been engaged by Urban Radio Licenses, LLC to prepare the attached Technical Exhibit.


His qualifications are a matter of record before the Federal Communications Commission. He has been active in Broadcast Engineering since 1979.

The attached report was either prepared by him or under his direction and all material and exhibits attached hereto are believed to be true and correct.

This is the 6th day of June, 2007.

  
Jefferson C. Brock  
Affiant

Sworn to and subscribed before me  
on the 6th day of June, 2007.

  
Notary Public, State of Georgia  
My Commission Expires March 13, 2011

# TIMES DAILY

www.TimesDaily.com

Nov 1, 2007

## Radio group's inclusion to FM brings in new listeners

By Kenda Williams and Russ Corey,  
Staff Writers

TUSCUMBIA It's now possible to tune your radio to an FM station and hear classic Muscle Shoals music from the '60s or '70s followed by a track of up-and-coming Shoals artists like Sons of Roswell, Dillon Hodges or Firewood.

The Federal Communications Commission recently granted URbAn Radio Broadcasting, also known as The Shoals Radio Group, permission to broadcast its Muscle Shoals music format on both 1450 AM and 92.3 FM.

Brian Rickman, regional director of programming for URbAn Radio Broadcasting, said the ground-breaking format will be simulcast on both AM and FM.

"We want to keep its historical value intact," Rickman said. "It's the oldest radio station in the market and one of the oldest in the South."

What the station also wants to do is continue to broadcast music written or recorded in the Shoals by area musicians.

Music with a Muscle Shoals connection will be played Monday through Friday. Weekends will be dedicated to blues music as a tribute to Florence native W.C. Handy.

"Now that we're (on) FM, it levels the playing field and local bands can be heard right next to a Top 40 station," Rickman said. "What we're doing with this station is pretty unique. There are very few markets you could do with something like this."

WLAY has been using the format for the past two years on the AM band. Simulcasting the signal on FM allows the format to be enjoyed by more people.

The transition kicked off Wednesday with a live broadcast from FAME Studios in Muscle Shoals, where much of the great Muscle Shoals music was recorded.

"We really made some radio magic," Rickman said. "We just had a huge opportunity of support from the local artists."

Muscle Shoals artists past and present, including Hodges, David Hood, Jerry Bridges, Travis Wammack, Angela Hacker, James LeBlanc and Terry Skinner, were on hand to perform or talk about the music.

Another round of Shoals artists will be on hand for a live broadcast today at Muscle Shoals Sound Studios in Sheffield.

"Some of the stuff being written now is just as good as the stuff written in the '60s and '70s," Rickman said.

In 1933, WLAY-AM began as an experimental radio station. It is one of the first broadcast radio stations in the United States and one of the South's oldest broadcasters. The radio station has been referred to as a historic landmark by the Alabama Historical Society.

WLAY was also where a 17-year-old high school student named Bobby Denton recorded the late James Joiner's "A Fallen Star," which some call the origin of Muscle Shoals music.

Rickman said that in the early 1960s, Muscle Shoals began to develop as a popular music capital in the United States.

With recording studios like FAME and Muscle Shoals Sound, some of the most widely acclaimed music was recorded in the Shoals from artists such as Aretha Franklin, Bob Dylan, Paul Simon, Lynyrd Skynyrd, Bob Seger and The Rolling Stones.

Today, the Shoals market includes local musical performers who have recorded in the Shoals such as The Drive-By Truckers, Jason Isbell, John Paul White, Sons of Roswell, Lauderdale and Byron Green.

"I think it's great," said Donnie Fritts, who was a part of the early Muscle Shoals music scene.

He said the format will introduce a wider and younger audience to music they might not have heard.

"We're talking about history, really, a part of music history," Fritts said. "I think that's really important to keep that alive and let people know that they're living in a very historic region for American music."

A great deal of the music WLAY will play was recorded at Rick Hall's FAME Studios. Hall said it is incredibly important to keep Muscle Shoals music alive. He said radio is still a very integral part of the music business.

"If I don't hear a song on the radio and I don't see it on TV, on CMT or music television, I don't hear it at all," Hall said. "The fact that they're going to FM is tremendous; it means the signal will be cleaner and will reach out much further. Without radio, none of this would mean anything."

Noel Webster, owner of the historic Muscle Shoals Sound Studios at 3614 Jackson Highway, said radio played an integral part of what happened in the Shoals in the early days and will continue to do so by promoting the next generation of Shoals artists.

"It was great then and it's great now. People are still making great records," Webster said.

Jay Burgess, of Sons of Roswell, and Russell Mefford, of the Fiddleworms, said their music is being played on some college radio stations in the certain parts of the country.

"Around this area it will do a lot of good," Burgess said. "It will be a great promotional device around this town for bands who don't have the capabilities of getting the word out to a mass group of people."

Mefford said radio play helps bring attention to the band.

"The impact I've noticed is through our MySpace page on the Internet, college kids in New York and out West," he said. "I think college radio playing us is the only way I can figure out that's how they found us."

Hall's son, Rodney Hall, president of FAME Music Publishing, said radio should help local bands get more shows and get more fans to attend those shows.

"It makes them a part of something bigger," Hall said. "It makes them part of the history somewhat."

Rickman said it's about as local as radio gets.

"The FCC has been pushing nationwide for the radio to get back to the community," Rickman said.

For broadcasters nationwide, Rickman said many stations went through a really long time period where radio became corporate and all about the bottom line, but WLAY-AM has been able to keep the Muscle Shoals Sound alive.

"For programming or listeners, each station started to lose its own character," he said. "The younger kids listen to

satellite radio and iPods, and radio isn't important to them as it once was. In order to capture their attention, we have to start doing things like this and make radio stations what they once were."

Kris Jones, a spokesman for the National Association of Broadcasters in Washington, D.C., said the radio stations that are successful in today's industry are those that stay true to their local community.

"Local radio and local television, both platforms are truly localized in nature," Jones said. "That's not something you're going to find on cable, or on the Internet or on satellite."

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# TIMES DAILY

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Nov 4, 2007

## It's a hit

### THE ISSUE

The Shoals Radio Group has added the FM signal to its groundbreaking format of playing all Muscle Shoals music all the time, extending its reach to local listeners and visitors curious about the area's legendary recording studios and artists.

The Muscle Shoals sound is known round the world to music fans, but until recently, hearing those songs - all of them - on the radio was a spotty proposition at best. Enter Shoals Radio Group.

Last Wednesday, the Tuscumbia-based broadcasting group took an already revolutionary idea and boosted its signal via the FM radio band. Now, on WLAY-FM 92.3, listeners can hear the astounding array of songs recorded in Shoals studios, songs written by local artists and songs that feature local musicians. It's a radio format unlike any other in the nation.

How often have we heard about the thousands of songs cut here and the hundreds of artists who have recorded at FAME, Muscle Shoals Sound, Washbone, Music Mill, Widget and other studios here in the Shoals, but never actually heard them? The songs and artists represent virtually every genre of popular music of the past 50 years - rock, soul, country, blues, pop. And the producers, songwriters and players were so successful that Muscle Shoals was once known as the "Hit Recording Capital of the World" because someone figured out that, for a time, more hits per capita were recorded here than in any other city in the world. That's pretty impressive for a place that no one outside the music business had ever heard of.

Now, Shoals residents can tune their radios to a very lively history lesson. And the expansion of the two-year-old format from the weaker AM radio band makes it much more accessible to travelers, as well. Shoals tourism offices now have a powerful new tool to help promote our music heritage.

The Shoals Radio Group, which is a division of URban Radio Broadcasting, owns WLAY, which is one of the oldest continuously operating radio stations in the country. It was licensed in 1933, and has been the setting for several historic events, including the recording of the first hit record to come from Muscle Shoals, Bobby Denton's "A Fallen Star," which was written by James Joiner, a Florence businessman. The song was recorded in 1957 at the studio's original location on Second Street in Muscle Shoals.

The unique broadcast format is the brainchild of Brian Rickman, regional director of programming, a lifelong fan of Muscle Shoals music. He wants fans to hear the classic music he loves, but also wants listeners to hear the new sounds of Muscle Shoals - bands and artists like the Sons of Roswell, the Drive-By Truckers, Jason Isbell, John Paul White and Gary Nichols. Muscle Shoals, you see, is far from being a memory.

We applaud Rickman and URban for not only making a bold business decision, but having faith in the enduring quality of Muscle Shoals music.

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Nov 13, 2007

## Station features local musicians

By Russ Corey,  
Staff Writer

What began as a special event to help launch WLAY's all-Shoals music format into FM radio is becoming a weekly live music program.

WLAY and Urban Radio Group are joining with Muscle Shoals Sound Studios to provide a venue for local bands and artists to perform and talk about their music, studio owner Noel Webster said.

Beginning Wednesday, WLAY FM 92.3 will present "The Sessions at Muscle Shoals Sound," an hour-long program featuring local artists such as Lauderdale, Malcolm Singleton, Jordan Denton, Byron Green, Firewood, Dillon Hodges, Sons of Roswell and Jason Isbell.

If nothing else, Webster said, it will give a whole new crop of musicians the opportunity to experience the studio that produced many of the hits that helped the area become known as the "Hit Recording Capitol of the World."

"It's great for the museum and for the community," Webster said. Muscle Shoals Sound Studios is also a working studio and museum. It is on the National Register of Historic Places. "It will help let people know this little gem is still open."

The format will be simple. Solo artists or bands will come to the studio and perform several acoustic versions of their songs and share their thoughts with 105.5 FM disc jockey T.C. Kinkaide.

The only prerequisite is that the artist writes and performs original material of any genre.

"Basically, it's a venue for local talent," Webster said.

Brian Rickman, regional director of programming for URban Radio Broadcasting, said artists are already booked through February.

"It's wonderful," Webster said. "We're starting with Lauderdale this Wednesday."

The group's bassist, Corey Hannah, is looking forward to performing acoustic versions of the band's songs.

"It will be different and fun to strip it all down to the bare essentials," Hannah said.

He said the Shoals music format will expose people to the music of new local groups, especially people who might not have attended shows at local clubs.

"I've had people tell me already they've heard Lauderdale on the air and really like the stuff," Hannah said. "It's a great opportunity for the local bands to get the word out."

Rickman said the shows will be recorded at the studio and archived, possibly for release later as podcasts.

"In the meantime, we're putting highlights on our MySpace page," Rickman said.



He said he hopes the discussions become a roundtable for artists to talk about how to improve the local music scene.

Rickman said feedback on the Shoals music format has been "phenomenal" since the move to FM.

"This has never been done before," Rickman said. "This is brand new, which is why the radio trades and people in the industry are raising their eyebrows. I think it's a format that can work."

While the live shows will concentrate primarily on local artists, Webster said they will branch out to include artists from the Huntsville and Decatur areas.

"As time progresses, I think this will take on a life of its own," Webster said.

Russ Corey can be reached at 740-5738 or [russ.corey@timesdaily.com](mailto:russ.corey@timesdaily.com).

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Nov 19, 2007

## Hits and misses

### Passing the test

Thumbs up to Highland Park Elementary School students for turning the tables, so to speak, on the Muscle Shoals Board of Education. First- and second-graders tested board members last week on their math and science skills during the board's meeting. Natalie Meade, facilitator for the Alabama Math, Science and Technology Initiative at Highland Park, said she wanted to show the school board what the students are learning. Board members had to use estimation skills, organize patterns and use marbles to properly balance scales. The students administered the tests to the adults. It was a learning experience for everyone.

### Live from MSS

Thumbs up to WLAY radio and Muscle Shoals Sound Studios Museum for launching a weekly live broadcast featuring young local bands and artists. The one-hour program, "The Sessions at Muscle Shoals Sound," provides a venue for bands and artists to perform acoustic versions of their songs in the historic studio, which was one of the recording studios that helped make Muscle Shoals famous. This is a rare format in radio these days, and it provides a great opportunity for local talent to be heard over the airwaves. WLAY adopted an all Muscle Shoals music format more than a year ago, and in October began simulcasting its programming on the FM band. There may not be another radio station in the world that has a similar format.

### Battle remembered

Thumbs up to Mildred Mauldin and the Colbert County Historical Landmarks Foundation for replacing a historical marker that commemorates the Civil War battle of Town Creek. The original marker, on Old Alabama 20 in the east end of the county, disappeared about three years ago. Mauldin led an effort to have it replaced with the help of the landmarks foundation. Our history should be preserved, and markers are one way to let the public know about significant events.

### Doyle appointed

Thumbs up to Muscle Shoals Board of Education President Pam Doyle for being selected to serve on the Alabama Association of School Boards. She will represent the Tennessee Valley region on the nine-member board for two years. Doyle's enthusiasm for her job is often contagious and her knowledge of school issues will be invaluable to the association, which, among other things, lobbies the

Legislature.

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**CERTIFICATE OF SERVICE**

I, Evelyn Thompson, a secretary at Fletcher, Heald & Hildreth PLC, hereby certify that a true and correct copy of the foregoing "Comments of Urban Radio Licenses, LLC and Zimmer Radio, Inc." was sent on this 7th day of January, 2008, via First-Class United States mail, postage pre-paid, or as otherwise specified, to the following:

Chairman Kevin J. Martin\*\*  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W. - Room 8-B201  
Washington, D.C. 20554

Commissioner Michael J. Copps\*\*  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W. - Room 8-B115  
Washington, D.C. 20554

Commissioner Jonathan S. Adelstein\*\*  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W. - Room 8-B201  
Washington, D.C. 20554

Commissioner Deborah Taylor Tate\*\*  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W. - Room 8-A204  
Washington, D.C. 20554

Commissioner Robert M. McDowell\*\*  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W. - Room 8-C302  
Washington, D.C. 20554

\*\*Denotes Hand-Delivery

  
Evelyn Thompson